

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
Wheeling**

DIANA MEY,

Plaintiff,

v.

CIVIL ACTION NO. 5:23-CV-281
Judge Bailey

LIBERTY HOME GUARD, LLC,

Defendant.

ORDER

Pending before this Court is Plaintiff Diana Mey's Motion for Leave to File Amended Complaint [Doc. 42], filed August 9, 2024. Therein, plaintiff requests leave to file her First Amended Class Action Complaint. As outlined by plaintiff, there are two (2) primary purposes for filing her First Amended Complaint:

1. The proposed amended complaint names Liberty's CEO, Benjamin Joseph, as an individual defendant.
2. The proposed amended complaint includes class action allegations.

[Doc. 42 at 2].

Under Federal Rule of Civil Procedure 15(a)(1), a party may amend its pleading once as a matter of course within (A) 21 days of serving it, or (B) if the pleading is one to which a responsive pleading is required, 21 days after service of a responsive pleading or 21 days after service of a motion under Rule 12(b), (e), or (f), whichever is earlier. When


the 21 day period has expired, FRCP 15(a)(2) allows a party to amend its pleading with leave of the court, which the rule states should be freely given when justice so requires.

Given the liberal standards attendant to filing amended pleadings, this Court hereby **GRANTS** Plaintiff Diana Mey's Motion for Leave to File Amended Complaint [**Doc. 42**]. Plaintiff is **DIRECTED TO FILE** her First Amended Complaint [Doc. 42-1].

It is so **ORDERED**.

The Clerk is directed to transmit copies of this Order to all counsel of record herein.

DATED: August 12, 2024.


JOHN PRESTON BAILEY
UNITED STATES DISTRICT JUDGE